

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CESAR SANTACRUZ, JAVIER  
VALENCIA, et al.,

Plaintiffs,

v.

FRENCH CONNECTION BAKERY, INC.,  
et al.,

Defendants.

Case No.: C 07-1118 PVT  
Case No.: C 08-0996 PVT

**PRETRIAL ORDER**

On August 25, 2009, the parties appeared for a pretrial conference. Based on the parties' pretrial submissions, the discussions at the conference, and the file herein,

IT IS HEREBY ORDERED that the bench trial in this consolidated case is continued to 9:00 a.m. on November 9, 2009.

IT IS FURTHER ORDERED that Defendants' oral motion to compel Plaintiff Javier Valencia to appear for deposition is *conditionally* granted. No later than September 1, 2009, Defendants shall file a declaration showing good cause for granting relief from the discovery cutoff to allow this deposition to go forward. Plaintiffs may file a response no later than September 3, 2009. Plaintiff Javier Valencia shall be prepared to appear for deposition on September 9, 2009, in the event the court ultimately grants Defendants relief from the discovery cutoff.

1 Although during the pretrial conference the court initially ordered this deposition to go  
2 forward, upon further consideration it concludes such an order is only warranted if Defendants make  
3 the required showing of good cause for relief from the discovery cutoff. *See Johnson v. Mammoth*  
4 *Recreations, Inc.*, 975 F.2d 604, 609 (9<sup>th</sup> Cir. 1992) (“The scheduling order ‘control[s] the  
5 subsequent course of the action’ unless modified by the court. Fed.R.Civ.P. 16(e). Orders entered  
6 before the final pretrial conference may be modified upon a showing of ‘good cause,’ Fed.R.Civ.P.  
7 16(b)...”).

8 IT IS FURTHER ORDERED that, no later than September 15, 2009, Plaintiffs shall notify  
9 Defendants of the identity and qualifications of the interpreter they intend to retain to provide  
10 interpretation services for them at trial. Any objections to the interpreter must be filed no later than  
11 September 22, 2009.

12 IT IS FURTHER ORDERED that, no later than October 2, 2009, the parties shall exchange  
13 pre-marked copies of their exhibits. The Plaintiffs shall use numbers to mark their exhibits, and the  
14 Defendants shall use letters to mark their exhibits. Any objections to any of the exhibits must be  
15 filed no later than October 20, 2009. Responses to any such objections must be filed no later than  
16 October 27, 2009.

17 IT IS FURTHER ORDERED that the parties are referred to Magistrate Judge Howard Lloyd  
18 for a settlement conference, to commence at 9:30 a.m. on September 18, 2009.

19 Dated: 8/26/09

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21 PATRICIA V. TRUMBULL  
22 United States Magistrate Judge  
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